

No. 2024-1587; 2024-1588

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

TQ Delta, LLC,

Plaintiff-Appellant,

v.

CommScope Holding Company, Inc., and CommScope, Inc., ARRIS Enterprises LLC, ARRIS Global Ltd., ARRIS International Limited, ARRIS Solutions, Inc., ARRIS Technology, Inc., ARRIS U.S. Holdings, Inc..

Defendants-Cross-Appellants,

Avago Technologies International Sales Pte. Limited, Broadcom Incorporated, and Broadcom Corporation,

Defendants/Third Party Plaintiffs/Counterclaimants.

On Appeal from the United States District Court for the Eastern District of Texas in case No. 2:21-cv-310, Judge Rodney Gilstrap

APPELLANT TQ DELTA, LLC'S UNOPPOSED MOTION FOR A 46 DAY EXTENSION OF TIME TO FILE ITS PRINCIPAL BRIEF

FORM 9. Certificate of Interest

Form 9 (p. 1)
March 2023

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

CERTIFICATE OF INTEREST

Case Number 2024-1587; 2024-1588
Short Case Caption TQ Delta, LLC v. CommScope Holding Company, Inc.
Filing Party/Entity TQ Delta, LLC

Instructions:

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
4. Please do not duplicate entries within Section 5.
5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 05/03/2024

Signature: /s/ Peter J. McAndrews

Name: Peter J. McAndrews

FORM 9. Certificate of Interest

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March 2023

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input type="checkbox"/> None/Not Applicable
TQ Delta, LLC	None	None

 Additional pages attached

FORM 9. Certificate of Interest

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4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

<input type="checkbox"/> None/Not Applicable	<input type="checkbox"/> Additional pages attached
Ashley Ratycz formerly of McAndrews, Held & Malloy, Ltd.	Andrew J. Wright Bruster PLLC
Edward K. Chin Bruster PLLC	Shawn A. Latchford Bruster PLLC
Anthony K. Bruster Bruster PLLC	Christian J. Hurt formerly of The Davis Firm, PC

5. Related Cases. Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

Yes (file separate notice; see below) No N/A (amicus/movant)

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

<input checked="" type="checkbox"/> None/Not Applicable	<input type="checkbox"/> Additional pages attached

Pursuant to Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b), Appellant TQ Delta, LLC (“TQ Delta”) hereby moves this Court for an unopposed extension of time of forty-six (46) days within which it may file its principal brief.

TQ Delta’s principal brief is currently due on June 3, 2024. TQ Delta respectfully requests that the briefing schedule be revised such that the deadline is extended by 46 days. If TQ Delta’s request is granted, its principal brief would be due on Friday, July 19, 2024. TQ Delta previously sought a 14 day extension of time for filing its principal brief, which was granted on May 3, 2024.

As set forth in the accompanying declaration, there is good cause for a 46 day extension because the existing briefing schedule conflicts with the professional obligations of TQ Delta’s appellate counsel. Those obligations include at least the following:

- Multiple experts reports due through June and early July in *TQ Delta, LLC v. Comcast Cable Communications LLC*, Case No. 1:15-cv-00611-GBW (D. Del.), *TQ Delta, LLC v. Coxcom LLC, et al.*, Case No. 1:15-cv-00612-GBW (D. Del.), *TQ Delta, LLC v. Time Warner Cable Inc., et al.*, Case No. 1:15-cv-00615-GBW (D. Del.), *TQ Delta, LLC v. Verizon Services Corp.*, Case No. 1:15-cv-00616-GBW (D. Del.), and *TQ Delta, LLC v. DISH Network Corporation et al.*, Case No. 1:15-cv-00614-GBW (D. Del.).

- A brief in opposition to a motion for summary judgment that was filed on May 3, 2024 and a related sur-reply brief that was filed on May 23, 2024 and responding to an additional motion for summary judgment in June 2024 in *TQ Delta, LLC v. Adtran, Inc.*, Case No. 14-cv-954-RGA (D. Del.).
- A number of responsive pleadings due in the May-July, 2024 timeframe in *DexCom, Inc. v. Abbott Diabetes Care Inc.*, IPR2023-01251, *DexCom, Inc. v. Abbott Diabetes Care Inc.*, IPR2023-01396, *DexCom, Inc. v. Abbott Diabetes Care Inc.*, IPR2023-01409, *DexCom, Inc. v. Abbott Diabetes Care Inc.*, IPR2024-00520, and *DexCom, Inc. v. Abbott Diabetes Care Inc.*, IPR2024-00521.
- A number of filings due in the May-July, 2024 timeframe, including multiple briefs relating to discovery motions, *Daubert* motions, and motions for summary judgment, in *Kompan A/S, et al. v. GameTime, et al.*, Case No. 1:21-cv-00877-JRN (W.D. Tex.).

Counsel for Cross-Appellants CommScope Holding Company, Inc., and CommScope, Inc., ARRIS Enterprises LLC, ARRIS Global Ltd., ARRIS International Limited, ARRIS Solutions, Inc., ARRIS Technology, Inc., ARRIS U.S. Holdings, Inc. (collectively, “CommScope”) has advised TQ Delta that CommScope does not oppose this motion and will not file a response.

For these reasons, Appellant TQ Delta respectfully requests that this unopposed motion for extension of time be granted and that the time for filing of Appellant's principal brief be extended from the current deadline of June 3, 2024 until July 19, 2024.

Dated: May 24, 2024

Respectfully submitted,

/s/ Peter J. McAndrews

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Attorney for Appellant

No. 2024-1587; 2024-1588

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DECLARATION OF PETER J. MCANDREWS IN SUPPORT OF APPELLANT TQ DELTA, LLC'S UNOPPOSED MOTION FOR A 46 DAY EXTENSION OF TIME TO FILE ITS PRINCIPAL BRIEF

I, Peter J. McAndrews, declare as follows:

1. I am a partner and shareholder with McAndrews, Held & Malloy, Ltd. and lead counsel for Appellant TQ Delta, LLC (“TQ Delta”). I am submitting this declaration in support of TQ Delta’s unopposed motion for a forty-six (46) day extension of time to file its principal brief.

2. I am lead trial counsel for TQ Delta in the following five related litigation matters: *TQ Delta, LLC v. Comcast Cable Communications LLC*, Case No. 1:15-cv-00611-GBW (D. Del.); *TQ Delta, LLC v. Coxcom LLC, et al.*, Case No. 1:15-cv-00612-GBW (D. Del.); *TQ Delta, LLC v. Time Warner Cable Inc., et al.*, Case No. 1:15-cv-00615-GBW (D. Del.); *TQ Delta, LLC v. Verizon Services Corp.*, Case No. 1:15-cv-00616-GBW (D. Del.); and *TQ Delta, LLC v. DISH Network Corporation et al.*, Case No. 1:15-cv-00614-GBW (D. Del.). In the first four of these cases, we have multiple expert reply reports on the issues of infringement and damages due on June 14, 2024, June 19, 2024, June 24, 2024, and June 28, 2024, respectively. In the fifth of these cases, we have an additional expert reply report on the issue of damages due on July 2, 2024. Expert depositions in these cases will take place in July 2024.

3. I am also lead trial counsel for TQ Delta in *TQ Delta, LLC v. Adtran, Inc.*, Case No. 14-cv-954-RGA (D. Del.). In this case, we filed a brief in opposition to a motion for summary judgment on May 3, 2024 and a related sur-reply brief on

May 23, 2024. We will also be responding to an unrelated motion for summary judgment sometime in June 2024.

4. I am also lead counsel for Abbott Diabetes Care Inc. in the following *inter partes* review matters: *DexCom, Inc. v. Abbott Diabetes Care Inc.*, IPR2023-01251; *DexCom, Inc. v. Abbott Diabetes Care Inc.*, IPR2023-01396; *DexCom, Inc. v. Abbott Diabetes Care Inc.*, IPR2023-01409; *DexCom, Inc. v. Abbott Diabetes Care Inc.*, IPR2024-00520; *DexCom, Inc. v. Abbott Diabetes Care Inc.*, IPR2024-00521. In these matters, we have had and will have a number of filings due in the May-July, 2024 timeframe, including a patent owner response on May 22, 2024, a patent owner preliminary response on May 29, 2024, and a patent owner response on July 9, 2024.

5. I am also trial counsel for a number of defendants in *Kompan A/S, et al. v. GameTime, et al.*, Case No. 1:21-cv-00877-JRN (W.D. Tex.), in which we have had and will have a number of filings due in the May-July, 2024 timeframe, including multiple briefs relating to discovery motions, *Daubert* motions, and motions for summary judgment.

6. I also have and have had other responsibilities in the May-July, 2024 timeframe for other clients and matters.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: May 24, 2024

Respectfully submitted,

/s/ Peter J. McAndrews

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Attorney for Appellant

CERTIFICATE OF CONFERENCE

I hereby certify that on May 23, 2024, I conferred with counsel for the Defendants-Cross-Appellants, who respectively stated that the Defendants-Cross-Appeallants are not opposed to the relief sought herein.

/s/ David Z. Petty
David Z. Petty

ECF CERTIFICATION

I hereby certify that (i) the required privacy redactions have been made pursuant to Federal Rule of Civil Procedure 5.2; (ii) the electronic submission is an exact copy of the paper document; (iii) the document has been scanned for viruses with the most recent version of a commercial virus scanning program and is free of viruses; and (iv) the paper document will be maintained for three years after the mandate or order closing the case issues.

/s/ Peter J. McAndrews
Peter J. McAndrews

CERTIFICATE OF COMPLIANCE

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because:

■ this motion contains 930 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(a)(7)(B)(i).

2. This motion complies with the typeface and type style requirements of Fed. R. App. P. 27(d)(1)(E) because:

■ this motion has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14 point Times New Roman font.

/s/ Peter J. McAndrews
Peter J. McAndrews